

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 04-CR-21

-vs-

STEVEN E. WHITING,

Defendant.

ORDER

The defendant, Steven E. Whiting (“Whiting”) has motioned the Court under the Rules of Federal Criminal Procedure 29(c) for judgment of acquittal, 33(a) and (b)(2) for a new trial in the interest of justice, and 34 to arrest the judgment.

The Court has read Whiting’s submissions and that of the government and rules as follows. Whiting’s motions are denied.

In regard to the Rule 29(c) motion for judgment of acquittal, the Court denied a similar motion at the conclusion of the case. Further review of the facts does not convince the Court that it was wrong in so doing. The record is replete with evidence from which this jury could have drawn the conclusions that they did.

In regard to the motion under Rule 33(a) and (b)(2) for a new trial in the interests of justice, many of Whiting’s arguments revolve around decisions made at pre-trial and objections at trial. Here too, the Court finds no cause based on subsequent events and analysis to alter its position.

Suffice to say that review of the evidence and the Courts' rulings thereon does not "preponderate heavily" against the verdicts reached.

Finally, in regard to Whitney's request under Rule 34 to arrest judgment, the Court finds no basis to alter its prior rulings.

Dated at Milwaukee, Wisconsin, this 24th day of August, 2005.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge